



COUNTY OF IMPERIAL

PUBLIC HEALTH DEPARTMENT

ROBIN HODGKIN, M.P.A.

Director

STEPHEN W. MUNDAY, M.D., M.P.H.

Health Officer

CERTIFIED MAIL # 7015 0640 0001 0805 5912

November 22, 2017

David Smith
Spreckels Sugar Company
P.O. Box 581
Imperial, CA 92251

Penalty Citation for the Spreckles Sugar Water System (1300644)
CITATION NO. 05-43-17C-006

The Imperial County Division of Environmental Health, Local Primacy Agency (LPA) is issuing to you the attached citation for failure to monitor and report the annual disinfection by-products sample results for your public water system within the required timeframes, as required by Section 64534.2 of Title 22, California Code of Regulations.

A stipulated penalty citation amount of **One Hundred Dollars (\$100)** is now due in full amount and must be paid within fifteen (15) days of the receipt of the attached citation. In addition to the full payment amount, the citation form must be filled out, signed and returned in order to fully execute the stipulation agreement.

If you decide not to stipulate to the alleged violations, a formal citation order will be issued and may carry a penalty assessment of up to \$1,000 per day for each day that a violation occurred. In addition to the imposed penalty, the water system will also be liable for the time and materials used in the preparation of the citation order, which will be billed at the Department's fully burdened rate of \$137 per hour.

Any person who is aggrieved by a citation issued by the LPA may file a petition with the State Water Resources Control Board (State Water Board) for reconsideration of the citation. Petitions must be received by the State Water Board within 30 calendar days of the issuance of the citation. The date of issuance is the date when the LPA mails or serves a copy of the citation, whichever occurs first. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

The LPA has the authority to issue you the attached citation pursuant to Sections 116650 and 116725(b) of the California Health and Safety Code. If you have any questions about

Division of Environmental Health, 797 Main Street, Suite B, El Centro CA 92243
Phone: 442-265-1888 | Fax: 442-265-1903 | icphd.org

this citation, or if you would like to meet with our office to discuss the stipulated penalty offer by the Local Primacy Agency, please contact us no later than 15 days of receipt of the citation. We may be contacted at 442-265-1888.

Sincerely,



Daniel O. Gutierrez
Environmental Health Compliance Specialist III
Local Primacy Agency

Encl: Stipulated Penalty Citation No. 05-43-17C-006

ENTERED DEC 21 2017

\$100.-
CK#
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12/15/17
h.R.
4658644

**IMPERIAL COUNTY ENVIRONMENTAL HEALTH
LOCAL PRIMACY AGENCY**

**CALIFORNIA SAFE DRINKING WATER ACT VIOLATION
STIPULATED PENALTY CITATION
(YOU MUST SIGN AND RETURN IF YOU ACCEPT THIS STIPULATION)**

Complainant, the Imperial County Local Primacy Agency (LPA) and Respondent(s) hereby agree that the stipulation will be a final resolution of the violations alleged below. The parties stipulate to the following facts and violations of law:

LPA CITATION NUMBER: 05-43-17C-006

IMPERIAL COUNTY

RESPONDENT: Spreckels Sugar
395 W. Keystone Road
Brawley, CA 92227

DEC 21 2017

ENVIRONMENTAL
HEALTH

HEALTH & SAFETY (HSC) SECTION VIOLATED: N/A

TITLE 22, CALIFORNIA CODE OF REGULATIONS (CCR) VIOLATED: §64534.2

DESCRIPTION OF VIOLATION:

As of November 10, 2017, Spreckels Sugar Water System failed to monitor and report the annual disinfection by-product sample results for 2017 from the distribution system in accordance with the approved Monitoring Plan and §64534.2 of Title 22 of the California Code of Regulations.

Pursuant to §64534.2, the water supplier shall monitor for TTHM and HAA5 at the frequencies and locations indicated in Table 64534.2-A. The Spreckels Sugar Water System is required to take one sample during the month with the warmest temperature, which is designated as the months of June through September.

DATE(S) OF VIOLATION: January 1- December 31, 2017

DIRECTIVE(S):

The Water System is hereby directed to comply with §64534.2, Title 22, CCR in all future monitoring periods, and to submit annual disinfection by-product results for all required samples collected in the calendar month to the LPA no later than the tenth day of the following month.

STIPULATION DUE DATE: 15 DAYS FROM THE DATE OF SERVICE

TOTAL MONETARY PENALTY: \$100

NUMBER OF COUNTS: 1

FURTHER STATEMENT BY RESPONDENT(S)

I acknowledge that the violation(s) of the Health and Safety Code and/or Title 22, California Code of Regulations (CCR) described above and on Exhibit 1 attached (if applicable), have occurred and request that the Imperial County Local Primacy Agency resolve this matter by imposition of the monetary penalty specified above. I acknowledge receipt of the *Statement of Respondent's Rights* on the following page and voluntarily waive any and all procedural rights to contest this matter in an Administrative Hearing. I have enclosed a check or money order payable to the Imperial County Division of Environmental Health in the amount of the penalty described above. I understand that if there are insufficient funds when the check is deposited, the LPA has the discretion to determine that this agreement is null and void, and can prosecute this allegation as if no agreement has been executed. I further acknowledge that the enforcement fee billed at a rate of \$137 per hour for preparation of this Stipulated Penalty Citation will be paid in full at the next quarterly billing cycle for this public water system.

**IMPERIAL COUNTY ENVIRONMENTAL HEALTH
LOCAL PRIMACY AGENCY**

RESPONDENT has freely and voluntarily agreed to this Citation Stipulation (hereinafter "Stipulation"), and has been afforded the opportunity to consult with counsel prior to entering into this Stipulation. It is expressly understood and agreed that no representations or promises of any kind, other than as contained here, have been made by any party to induce any other party to enter into this Stipulation, and that said Stipulation may not be altered, amended, modified, or otherwise changed except by writing executed by each of the parties hereto.

This Stipulation constitutes the entire understanding of the parties concerning the settlement of this proceeding. There are no restrictions, promises, warranties, covenants, undertakings, or representations other than those expressly set forth herein or contained in separate written documents delivered or to be delivered pursuant hereto, and each party expressly acknowledges that it has not relied upon any restrictions, promises, warranties, covenants, undertakings, or representations other than those expressly contained herein.

If necessary, this Stipulation may be executed in counterparts, each of which shall be an original, and all together shall form one agreement. In addition, for purposes of this Stipulation, facsimile signatures will be treated as originals until the applicable page(s) bearing non-facsimile signatures have been received by the parties.

The effective date of this Stipulated Penalty Citation is the date that the Deputy Director of Environmental Health signs it.

Dated: 12/14/17 Signature: David R Smith
Printed Name: DAVID R. SMITH
Job Title: TECHNICAL SERVICES MANAGER
Name and Address of Water System: SPRECKELS SUGAR
395 W KEYSTONE RD
BRAWLEY, CA 92227

For Imperial County Environmental Health Use Only

STATEMENT BY DEPUTY DIRECTOR:

The foregoing stipulation has been adopted by the Imperial County Local Primacy Agency as its final decision and order and is effective upon execution below by the Deputy Director of the Imperial County Division of Environmental Health.

IT IS SO ORDERED:

Dated: 12/26/17

Jeff Lamoure
Jeff Lamoure, Deputy Director
Imperial County Division of Environmental Health
Local Primacy Agency

